

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MIKE BORO,

Plaintiff,

v.

JOHN DOE 1, et al.,

Defendants.

No. 1:25-cv-00095-SAB (PC)

ORDER FINDING SERVICE OF FIRST  
AMENDED COMPLAINT APPROPRIATE  
AS TO DOE DEFENDANTS

(ECF No. 12)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Based on a review of Plaintiff's first amended complaint, filed on May 19, 2025 (ECF No. 12), the Court finds that Plaintiff states a cognizable claim for excessive force in violation of the Eighth Amendment against the two Doe Defendant transportation officers at Corcoran State Prison in April 2024. However, the Court cannot order service of a Doe Defendant because the United States Marshal cannot serve a Doe Defendant. Therefore, before the Court orders the United States Marshal to serve a Doe Defendant, Plaintiff will be required to identify him or her with enough information to locate the Defendant for service of process.

In the interest of judicial efficiency, the Court will allow Plaintiff to subpoena documents from Corcoran State Prison that may allow him to identify the Doe Defendants. If Plaintiff is

able to identify the Doe Defendants, he should file a motion to substitute the named individual in place of the Doe Defendants no later than 90 days from the date of service of this order. If Plaintiff fails to identify the Doe Defendants, the action will be dismissed without prejudice.

Accordingly, it is HEREBY ORDERED that:

1. The Clerk of Court shall send Plaintiff a copy of Form AO 88B;
2. Plaintiff has thirty (30) days from the date of service of this order to complete and return form AO88B. Plaintiff is advised that any request for a subpoena must be accompanied with specific factual details as to the identity and documentation requested to assist in the identification of the Doe Defendant and enable the responding party to comply therewith and prevent a motion to quash the subpoena;
3. Plaintiff has ninety (90) days from the date of service of this order to file a motion to substitute a named Defendant in place of the Doe Defendants; and
4. Failure to comply with this order will result in a recommendation to dismiss the action.

IT IS SO ORDERED.

Dated: May 22, 2025



STANLEY A. BOONE  
United States Magistrate Judge